

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BRIAN HUDDLESTON,

Plaintiff,

vs.

FEDERAL BUREAU OF INVESTIGATION
and UNITED STATES DEPARTMENT OF
JUSTICE

Defendant

Case No. 4:20-cv-447-ALM

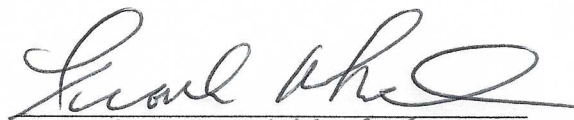
DECLARATION OF FRANK WHALEN

My name is Frank Whalen, I am greater than 18 years of age and competent to testify, and I do testify as follows under penalty of perjury under the laws of the United States, as witnessed by my signature below:

- (1) I retired from the New York City Police Department in 2004 as a detective sergeant. I served as a homicide investigator for 12 years and for the last two years I was the supervisor of a homicide squad.
- (2) I am aware of the February 8, 2024 Eighth Declaration of Michael G. Seidel wherein he indicates that the FBI had recently learned that the Metropolitan Police Department ("MPD") had an "open investigation into the death of Seth Rich..." Mr. Seidel's testimony is not credible. In every jurisdiction in the United States that I know of, murder cases remain open until they are solved.
- (3) Mr. Seidel states that Seth Rich received a fatal gunshot wound "during what is believed to be a botched robbery..." Mr. Seidel fails to explain how Seth's electronic devices would be relevant to the investigation of a spontaneous street crime, and I doubt he could make such a connection. The electronic devices would only be relevant to the murder investigation / prosecution if the murder was premeditated.
- (4) I served as an expert witness on behalf of Defendants Edward Butowsky and Matt Couch in *Aaron Rich v. Edward Butowsky, et al.*, Case No. 1:18-cv-00681-RJL (D.D.C.). Plaintiff Aaron Rich is the brother of Seth Rich.
- (5) As an expert witness, I was allowed to look at materials related to the MPD's investigation of Seth Rich's murder, and I wrote an expert opinion based on that review. My report is restricted by a protective order, so I cannot discuss its contents. My report would be relevant to the question of whether the MPD is conducting a sham investigation.

THE DECLARANT SAYS NOTHING FURTHER.

March 6, 2024


FRANK WHALEN